

BILL ANALYSIS

C.S.H.B. 1604
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Constituents with disabilities and advocates for people with a disability have been pursuing the removal of barriers to success in higher education facing students with a disability for a number of years. Advocates cite anecdotes indicating some of those barriers in Texas, but comprehensive reporting of barriers must occur before they can be addressed. C.S.H.B. 1604 seeks to take a step toward identification of such barriers by requiring the Texas Higher Education Coordinating Board to report on certain information relating to the enrollment and success in higher education for students with a disability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1604 amends the Education Code to require the Texas Higher Education Coordinating Board (THECB) to prepare and submit to the legislature not later than September 1, 2024, a report on enrollment and success in higher education for students with a disability. The bill requires the report to identify, to the extent practicable, the following:

- the number and percentage of students with a disability who enroll in a public, private, or independent institution of higher education;
- barriers to enrollment in higher education for students with a disability;
- policies of public, private, or independent institutions of higher education that promote enrollment and success in higher education for students with a disability;
- whether services and accommodations for students with a disability are accessible at public, private, or independent institutions of higher education;
- whether public, private, or independent institutions of higher education provide to students with a disability sufficient and accurate information regarding the educational rights and protections for persons with a disability under state and federal law; and
- any recommendations for legislative or other action.

The bill requires a public institution of higher education to provide to the THECB on request any information necessary for the preparation of the report and authorizes the THECB to request any such information from a private or independent institution of higher education. The bill's provisions expire September 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1604 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute, with respect to information required to be identified in the THECB report, does the following:

- includes a specification that did not appear in the introduced that the identification of the information is required to the extent practicable;
- provides for the identification of such information as it relates to independent institutions of higher education, which did not appear in the introduced; and
- with regard to identifying whether students with a disability receive certain information, specifies that the question is whether institutions provide the information to the students and changes the nature of the information from information regarding their civil rights to information regarding the educational rights and protections for persons with a disability under state and federal law.

The substitute includes a provision that did not appear in the introduced providing for the request of necessary information from institutions of higher education by the THECB and requiring a public institution of higher education to provide that information on request.

The substitute changes the bill's expiration date from January 1, 2025, as in the introduced, to September 1, 2025.